

## REMARKS

This Response is submitted in reply to the Non-final Office Action mailed June 14, 2005. Claims 1-42 are pending in this application. Claims 1-35, 37-42 have been amended. Claims 1, 8, 15, 22, 29 and 36 are in independent form. No new matter has been added.

The Commissioner is hereby authorized to charge any fees which may be required in the Application to Deposit Account No. 02-1818. Please reference number 115246-949 if such a withdrawal is made.

### **Claim rejections under 35 U.S.C. §102(e)**

Each of the independent claims was rejected under 35 U.S.C. §102(e) as being anticipated by *Pratt* (US Patent 6,664,921). In light of the amendments made herein, applicants respectfully traverse these rejections and all of the associated dependant claim rejections. Favorable reconsideration is respectfully requested.

Specifically, the Examiner analogizes “selecting signals from a particular direction (e.g., from a particular transmitter)” from *Pratt* with “selectively modifying the transmission channel class” (wherein the “transmission channel class” is the “transponder footprint”) from the invention as previously claimed.

Accordingly, independent claims 1, 8, 15, 22, 29 have been amended to remove “transponder footprint” from the “transmission channel class.” Independent claim 36 never contained the “transponder footprint” language. Claim 36 uses the “transmission rate,” not the “transponder footprint.”

Because the prior art fails to teach or suggest the independent claims as currently amended, Applicant submits that all of the rejections under 35 U.S.C. §102(e) are improper and should be withdrawn.

### **Claim objections**

All of the dependant claims were objected to based on the introductory word “A” or “An”. Per the Examiner’s suggestion, each of the dependant claims is hereby amended to begin with the introductory word “The”.

**Claim rejections under 35 U.S.C. §103(a)**

In light of the above amendments and remarks, Applicant submits that all rejections under 35 U.S.C. §103(a) are mute.

**Conclusion**

In light of the above amendments and remarks, Applicant submits that all claims are in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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